

on this matter. In another instance, claim 38 requires that the hydraulic system be fluidly connected to the engine lubrication system. There should be no dispute that this feature is absent from the cited references. There ought to be no dispute that the MPEP and relevant case law require that there be some motivation for combining references to support a §103 rejection, and even if there is, the cited references must, in the very least, teach all of the features of the claimed invention. In this case, the Office Action fails to identify any motivation, and the cited references do not even teach all of the features of the claimed invention.

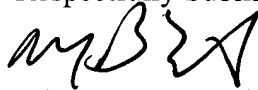
As best understood, the Office Action asserts that one with ordinary skill in the art would find it obvious to substitute the valve of Determan for the multiple valves of Eisenbacher to supposedly arrive at Applicants claimed invention. Applicants respectfully point out that §2144.06 of the MPEP and case law cited therein require that a substitution feature be drawn from analogous art. In addition, mandates of the MPEP and relevant case law require that the supposed equivalency between different features involved in a §103 rejection relying on substitution be recognized in the art. In this case, it is questionable whether Determan could be fairly characterized as analogous art since it makes absolutely no mention of its potential application to anything that could be fairly characterized as a fuel injection system or an engine compression release brake system for an internal combustion engine. But even if Determan could be fairly characterized as analogous art, it contains absolutely no utterance to support the notion that its valve structure is the equivalent of, and suitable for substitution in place of, the multiple valves taught by Eisenbacher for fuel injection systems or any other fluid system. Thus, Applicants respectfully request that evidence be made of record to satisfy the mandate of the MPEP and relevant case law to show that the art recognizes the equivalence between the Determan valve and the multiple valves of Eisenbacher et al., or the rejections should be withdrawn.

In addition, Applicants respectfully request that all of the claims be examined, and that the grounds to support the rejections regarding claimed features of the invention that are clearly not shown or suggested in the cited references of record be made of record so that Applicants can have a fair opportunity to rebut those rejections. It is a fact some of the claimed features are clearly absent from the cited references of record. Because it appears that some of the claims were not even examined, Applicants respectfully request that any subsequent Office Action not

be made final, unless of course the same rejections are maintained in the following Office Action.

This application is believed to be in condition for allowance of claims 21-40, which were previously allowed. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MBM', is written over the printed name.

Michael B. McNeil

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